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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/060,058	01/31/2002	Masaki Ueno	107355-00052	6576

7590

03/02/2004

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EXAMINER

NGUYEN, TU MINH

ART UNIT	PAPER NUMBER
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3748

DATE MAILED: 03/02/2004

17

Please find below and/or attached an Office communication concerning this application or proceeding.

Examiner-Initiated Interview Summary

Application No.

10/060,058

Applicant(s)

UENO ET AL.

Examiner

Thomas E Denion

Art Unit

3748

All Participants:

(1) Thomas E Denion.

(2) Lynn Anderson.

Status of Application: _____

(3) _____.

(4) _____.

Date of Interview: 2/25

Time: Various

Type of Interview:

- ☒ Telephonic
☐ Video Conference
☐ Personal (Copy given to: ☐ Applicant ☐ Applicant's representative)

Exhibit Shown or Demonstrated: ☐ Yes ☒ No

If Yes, provide a brief description:

Part I.

Rejection(s) discussed:

Tanaka et al

Claims discussed:

Appealed

Prior art documents discussed:

Tanaka et al

Part II.

SUBSTANCE OF INTERVIEW DESCRIBING THE GENERAL NATURE OF WHAT WAS DISCUSSED:

See Continuation Sheet

Part III.

- ☐ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview directly resulted in the allowance of the application. The examiner will provide a written summary of the substance of the interview in the Notice of Allowability.
- ☒ It is not necessary for applicant to provide a separate record of the substance of the interview, since the interview did not result in resolution of all issues. A brief summary by the examiner appears in Part II above.

(Examiner/SPE Signature)

(Applicant/Applicant's Representative Signature – if appropriate)

Continuation of Substance of Interview including description of the general nature of what was discussed: The application of the Tanaka reference on claims 1,4,6,7 set forth in the non-final rejection mailed 12/10/03, is deemed by the undersigned to be proper. In consultation with the Examiner, it was suggested to applicant's attorney that she add language to the independent claim to define over the Tanaka reference. Specifically, Tanaka switches the exhaust flow passages exactly as that claimed in the instant application. See the last paragraph of the non-final rejection. It was suggested that a patentable distinction in the instant application is claiming that when the control device switches the exhaust flow to the bypass exhaust passage all, the entirety of the exhaust gasses are bypassed. Note in the Tanaka reference, when the bypass is opened, a portion of the bypassed exhaust is diverted to the EGR pipe (5). This is what the substance of the conversations with Ms. Anderson concerned. If applicants would be willing to amend the independent claim to claim that "all the gas is bypassed", it is deemed to define over the Tanaka reference. It was also indicated that applicant need not adopt the language in quotes, however, the substance of the amendment would have to make it abundantly clear that the totality of the exhaust gas is bypassed.